

**REMARKS****Status of the Claims**

Upon entry of the amendment above, claims 1-20 will be pending, claims 1, 7, and 13 being independent.

**Summary of the Office Action**

The documents cited in Applicants' previously filed information disclosure statement are considered by the Examiner, as indicated by the Examiner-initialled PTO-1449 form included with the Office action.

Applicants' claim of priority and receipt of the certified copy of the priority application are acknowledged by the Examiner.

The specification is objected to for referring to line IV-IV of Fig. 1, inasmuch as Fig. 1 has no such line (although Fig. 1 includes line IV-IV).

Claims 1-5 are rejected under 35 USC 112, second paragraph, as being indefinite.

Claims 1-5 are rejected for provisional double patenting with respect to application No. 09/990,308.

Claims 1-5 are rejected under 35 USC 103(a) as being unpatentable over KELLER et al. (U.S. Patent No. 5,909,893, hereinafter "KELLER") in view of TANAKA (U.S. Patent No. 6,386,574).

**Response to the Office Action****A. Miscellaneous**

Initially, Applicants express their appreciation for the Examiner's consideration of the information disclosure statement and his acknowledgement of Applicants' priority claim and receipt of the certified copy thereof.

**B. Withdrawal of Objection to Specification**

In response to the objection to the specification, Applicants are filing concurrently herewith a Request for Approval of Proposed Drawing Correction, whereby the line III-III is to be changed to IV-IV, for consistency with the brief description of the specification.

Accordingly, approval of the proposed drawing correction is requested, together with the withdrawal of the objection to the specification.

**C. Withdrawal of Rejection Under 35 USC 112, Second Paragraph**

In the amendment above, Applicants have changed the occurrence of "oblong" in claim 1 with the term "elongated". In view of the amendment, the issue of antecedent basis has been overcome.

Accordingly, the withdrawal of the rejection under 35 USC 112, second paragraph is requested.

**D. Withdrawal of Double Patent Rejection**

Concurrent with this reply, Applicants are filing a request that application No. 09/990,308 be abandoned.

Accordingly, withdrawal of the double patenting rejection is requested.

**E. Summary of the Amendment to Specification**

In addition to the amendment of claim 1 to overcome the indefiniteness rejection, mentioned above, Applicants have introduced additional cosmetic amendments. No prohibited new matter has been added.

Paragraph [0023] has been amended to refer to the disk 20 as part of the base of the retention assembly, inasmuch as the disk is considered to be a part of the over-all assembly 1, as shown in Fig. 1, for example. Also, paragraph [0071] describes an alternate embodiment, in which the disk could be omitted, with the elongated holes extending through the base itself.

In paragraphs [0034] and [0056], Applicants have changed the description of the shape of the cavity 58 and 95, respectively, from "parallelepipedic" to "generally parallelepipedic", inasmuch as the cavities 58 and 95 are shown as having rounded corners. Similarly, in paragraphs [0036] and [0054], Applicants have changed the description of the shape of the plates 50 and 90, respectively, from "square" to "generally square", inasmuch as the cavities 50 and 90 are also shown as having rounded corners.

In paragraphs [0041] and [0061], Applicants have added similar phrases to refer to the screws 30 and 73 to be in screw-threaded engagement with the holes 51 and 103, respectively, in view of their respective threaded portions 57 and 102. The relations described (i.e., screw-threaded engagement") is supported at least by means of the paragraphs immediately following the amended paragraphs.

#### **F. Summary of the Invention**

The invention is directed to an assembly for retaining a boot on a gliding board, such as a snowboard.

More particularly, the assembly includes at least a base for supporting the boot, whereby the base itself, or a disk mounted for rotational pre-positioning in an opening of the base, includes at least two (preferably four) elongated holes which extend through the base/disk, and at least two screws each extending through one of the elongated holes.

According to a particular aspect of the invention, the retention assembly furthermore includes a plate positioned either on top of or beneath the disk for sliding along the length of the elongated holes, whereby the plate itself includes at least two (preferably four) holes extending through the thickness of the plate, with each such screw being retained onto, such as by screw-threaded engagement with, the plate.

By means of this structural arrangement, when the user displaces a screw along an elongated hole, in order to position the screw in front of a bushing of the board (whereby the assembly is thereby attached to the board), all of the screws are displaced simultaneously and each can thereby be simultaneously positioned over a respective bushing of the board.

According to the invention, the user positions all of the screws in a single manipulation. As a result, the mounting and adjusting operations are less time-consuming and simpler and the positioning of the retention assembly on the board is easier.

#### **G. Withdrawal of Rejection Under 35 USC 103(a)**

Applicant requests that the rejection of claims 1-5 under 35 USC 103(a) based upon a combination of KELLER and TANAKA be withdrawn.

KELLER discloses many examples of retaining parts for securing bindings on snowboards. A first example is comprised of a fastening plate 1 in the form of a disk (see column 2, lines 45-46). Two mutually parallel, long rows of holes 6 are arranged on the disk. Arranged on both sides of each of these rows of holes 6 are two shorter rows of holes 7 which are parallel to the rows of holes 6, spaced apart from one another in the transverse direction and beyond the mutually remote ends of which the respectively adjacent row of holes 6 projects in the longitudinal direction (see column 3, lines 6-16).

As the screw mounts on the snowboard are arranged at the corner points of a square, the holes of the rows of holes 6 and 7, then, are arranged relative to one another such that the fastening plate 1 can be mounted in a variety of offset positions relative to the screw mount (see column 3, lines 28-33).

On the other end, it is possible to have arrangements in which the screws 8 are each provided in holes of the long rows of holes. On the other hand, it is possible to have arrangements in which the screws 8 are each provided in the short rows of holes 7, either to the right or left of the rows of holes 6 in the illustration of Fig. 1 (see column 3; lines 36-41).

The foregoing clearly demonstrates that the goal of KELLER is that of the fastening plate 1 can be mounted in a variety of offset positions relative to the screw mounts.

The embodiments of Figs. 3 and 4 have the same goal, even if the disk includes four elongated holes 10 and even if two rectangular plates 12 are housed in a cavity 11 of the disk. Those two rectangular plates 12 are useful only in one direction, that is the longitudinal direction of the elongated holes 10. But using other holes, such as holes 7, means that the two rectangular plates 12 are not needed. In this case, the user can even lose the plates.

According to the above, it is readily apparent that KELLER's apparatus does not always necessitate the use of the plates 12. This means that the plates 12 are not an essential part of the fastening plate 1.

Accordingly, in view of KELLER, one skilled in the art is directed to use a disk arranged with many holes in many directions, regardless whether there are, or are not, additional plates.

Furthermore, KELLER, as well as the combination of KELLER and TANAKA, fail to teach or suggest any "retaining means retaining the screws on the plate," as specified in Applicants' claim 1. In this regard, Applicants note that this limitation is in the form provided in §112, sixth paragraph, whereby the limitation is directed to the corresponding structure described in the specification and equivalents thereof.

Further, in contrast to Applicants' claim 6, neither KELLER nor the combination of KELLER and TANAKA teach or suggest all of the screws to extend through the one plate.

At least in view of the foregoing, reconsideration and withdrawal of the rejection is requested.

#### **H. Summary of New Claims**

New claims 6-20 are added herein. As mentioned above, claim 6 specifies that all of the screws extend through the plate.

Claims 7 and 13 are independent.

Claim 7 is directed to an assembly for retaining a boot on a snowboard which, specifically calls for the at least two screws to have threaded portions, with the threaded portion of each of the two screws being in threaded engagement with a respective one of the holes of the plate.

Claims 8-12 depend, directly or indirectly, from independent claim 7 and generally include the subject matter of claims 2-6, respectively.

Independent claim 13 does not specifically recite the disk, but refers to the elongated holes to extend through a thickness of the base. Claim 13, like claim 7, specifically calls for the screws to be in threaded engagement with respective ones of the holes of the plate.

Claims 14-20 depend, directly or indirectly, from independent claim 13.

Claim 14 adds a circular disk for nesting within a circular opening of the base. Claim 15 calls for the plate to be positioned beneath the disk and claim 16 calls for the plate to be positioned above the disk.

Claims 17-20 generally include the subject matter of claims 3-6, respectively.

### SUMMARY AND CONCLUSION

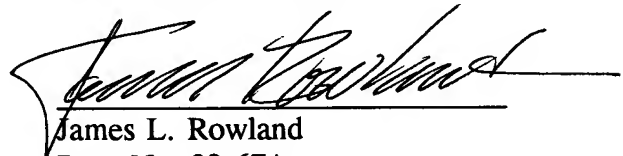
The grounds of objection and rejection advanced in the Office action have been addressed and are believed to be overcome. Reconsideration and allowance are respectfully requested in view of the amendment and remarks above.

No fee is believed to be due at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this response timely and/or complete, Applicants request an extension of time under 37 CFR 1.136(a) in the necessary increment(s) of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR 1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,  
David FARCOT et al.



James L. Rowland  
Reg. No. 32,674

October 21, 2002  
GREENBLUM & BERNSTEIN, P.L.C.  
1941 Roland Clarke Place  
Reston, VA 20191

(703) 716-1191 (telephone)  
(703) 716-1180 (fax)

**MARKED-UP VERSION OF AMENDMENTS****In the Specification**

Paragraphs [0023], [0034], [0036], [0041], [0054], [0056], and [0061] are to be amended as follows:

-- [0023] In the preferred embodiment shown, the base 3 of the assembly 1 further includes a [A] disk 20 [is provided] to retain the assembly 1 on the board 2. --

-- [0034] As shown in FIG. 3, the plate 50 is housed in a cavity 58 provided in the lower portion of the disk 20. The cavity 58 has a substantially flat bottom 59 that is parallel to the base 60 of the disk 20. Preferably, the contour of the cavity 58 has a generally parallelepipedic shape, whose short side is substantially equal to the side of the plate 50[,] and whose long side is greater than the side of the plate 50 by a length at least equal to the length of the elongated holes, and oriented along the length of the elongated holes 34, 35, 36, 37. --

-- [0036] The plate 50 is shown in the form of a generally square sheet, bored with four holes 51, 52, 53, 54, spread to the four corners of a square. The square spreading of the holes is the same as the square spreading of the bushes 38, 39, 40, 41 of the board. --

-- [0041] The diameter of the hole 51 is substantially equal to the diameter of the threaded portion 57, whereby the screw 30 is in screw-threaded engagement with the hole 51 while the threaded portion 57 is positioned within the hole 51. --

-- [0054] The plate 90 is shown in the form of a generally square sheet, bored with four holes 91, 92, 93, 94 spread to the four corners of a square. Here again, other forms for the plate could be used. --

-- [0056] Preferably, the contour of the cavity 95 has a generally parallelepipedic shape. The plate 90 can slide in the cavity 95 in the manner of a drawer. --

-- [0061] The diameter of the portion 103 of the hole 91 is substantially equal to the diameter of the threaded portion 102, whereby the screw 73 is in screw-threaded engagement with the hole 103 while the threaded portion 102 is positioned within the hole 103. --

### In the Claims

Claims 1 and 4 are to be amended as follows:

1. (Amended) An assembly for retaining a boot on a sports apparatus, said assembly comprising:

a base provided to receive a [the] sole of the boot, a disk provided to retain the base on the apparatus, the disk having at least two elongated holes, parallel to one another, which extend through the disk in its thickness, and at least two screws each extending through an elongated hole, and a plate that is parallel to the disk, the plate sliding along the length of the elongated [oblong] holes, at least two holes extending through the plate in its thickness, each screw extending through a hole of the plate, retaining means retaining the screws on the plate.

4. (Amended) A retaining assembly according to claim 3, wherein the plate has a generally [is] square shape, and wherein [the contour of] the cavity has a generally [is] parallelepipedic shape.





1/5

approved  
WSE 12/2/02

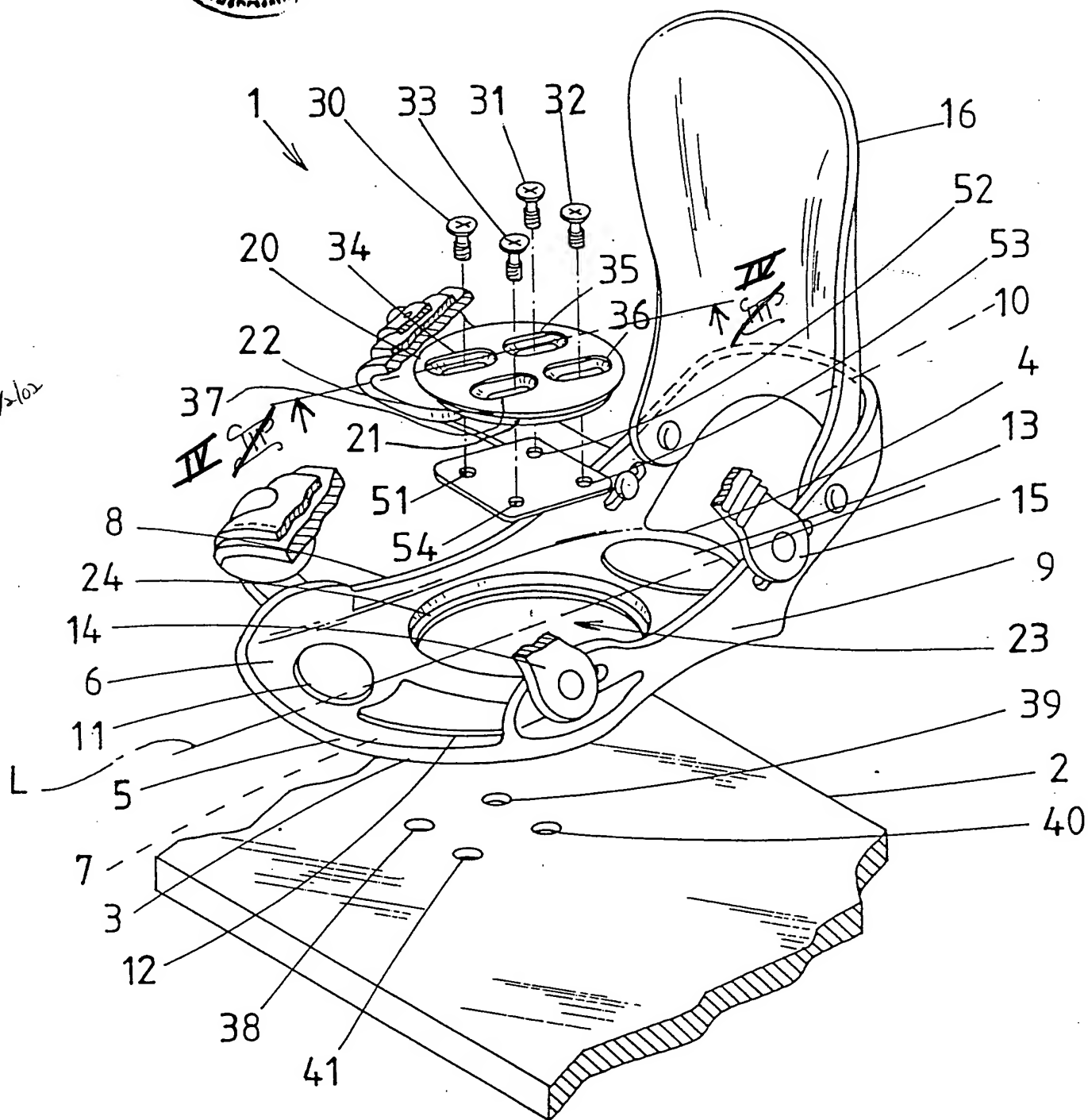


FIG.1